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HERITAGE PACIFIC FINANCIAL, LLC d/b/a HERITAGE PACIFIC
FINANCIAL

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U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
SANTA ANA

FILED

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

Case No. SACV09-01466 AG (RNBx)

HERITAGE PACIFIC FINANCIAL,
LLC D/B/A HERITAGE PACIFIC
FINANCIAL, a Texas Limited
Liability Company,

Plaintiff,

v.

COMPLAINT FOR DAMAGES,
SPECIFIC PERFORMANCE, &
OTHER EQUITABLE RELIEF

JAMES HAGUE; CHARLENE
CHAO; JEFFERY TOMAZIN;
PRISCILLA TOMAZIN; MARIA
SOILA CARBAJAL; EPHRAIM
KIAMA; EVIE LIWE; JAMES
TAYLOR; REMUS EPPIE; PATRICK
OGDEN; SILVIA ELIZABETH
SALMERON; VERONICA CONKLIN;
EMILIO VILLARREAL; MORADALI
AMIRINEGAR; MARTHA ROCHA;
MINA SHAHAB; MYRA POPP
FIGUEROA; VICTOR BONILLA;
LETICIA VALENZUELA; ANTONIA
PEDRAZA; BONNIE RHEA SCOTT;
ALBERTO PASILLAS; JORGE
VELASCO; JENNIE ARISMENDEZ;

1. Breach of Contract
2. Intentional Misrepresentation
3. Fraudulent Concealment
4. Negligent Misrepresentation

1 PAUL RADWICH; MARY
2 PEARSON; RONALD CALVERO;
3 JOSE EDUARDO PAVON;
4 JENNIFER ANNE VON BIMA;
5 FRED ORTIZ; JORGE MORA;
6 SONIA NAVARRO; MONIQUE
7 HEREDIA; OTILA MURRIETTA;
8 GELENIE QUIOCHO AMIGABLE;
9 AMANDA ESPINELLO, CLAUDIA
10 TOVAR; SERGIO TOVAR; BERTHA
11 CORTES; MIGUEL CORTES
12 FERRAL; JORGE SIGUENZA;
13 BLANCA RODAS; SEAN
14 WOLFSWINKEL; ALFREDO
15 JIMENEZ; ELOISA PINEDA; LEVIS
16 RODRIGUEZ; MONICA
17 ANGUIANO; SALOMON SOLIS;
18 MONIQUE HUEREQUE; LOURDES
19 VELAZQUES

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21 Defendants.

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24 COMES NOW PLAINTIFF, HERITAGE PACIFIC FINANCIAL, LLC
25 D/B/A HERITAGE PACIFIC FINANCIAL, a Texas Limited Liability Company,
26 that alleges damages and seeks equitable relief against the Defendants, and each of
27 them, as follows:
28

29 JURISDICTION & VENUE

30 1. This Court has jurisdiction over the lawsuit under 28 U.S.C. §
31 1332, because Plaintiff and Defendants are citizens of different states and the
32 amount in damages that Plaintiff seeks to recover from each Defendant exceeds

1 \$75,000.00. Venue is conferred as the property is located and all transactions took
2 place and all parties reside within the boundaries of the United States District
3 Court for the Central District of California.

4 PARTIES

5 2. Plaintiff HERITAGE PACIFIC FINANCIAL, LLC D/B/A
6 HERITAGE PACIFIC FINANCIAL (hereinafter "Plaintiff" or "HPF") is a limited
7 liability company organized under the laws of the State of Texas with its principal
8 balance of business in Dallas County, Texas.

9 3. Plaintiff is informed, believes, and thereon alleges that
10 Defendants, individually named and collectively hereinafter referred to as
11 "Defendants," are individuals residing at their respective residences noted below:

12 a. DEFENDANT JAMES HAGUE, an individual, residing at 16740
13 Inverrary Way, Fontana, CA 92336.

14 b. DEFENDANT CHARLENE CHAO, an individual, residing at
15 6993 Rivertrails Drive, Mira Loma, CA 91752

16 c. DEFENDANTS JEFFERY TOMAZIN and PRISCILLA
17 TOMAZIN, individuals, residing at 118 N. Torn Ranch Road, Lake Elsinore, CA
18 92530.

19 d. DEFENDANT MARIA SOILA CARBAJAL, an individual,
20 residing at 11392 Glen Cove Drive, Garden Grove, CA 92843.

21 e. DEFENDANT EPHRAIM KIAMA, an individual, residing at
22 22195 Witchhazel Ave, Murrietta, CA 92353.

23 f. DEFENDANT EVIE LIWE, an individual, residing at 11792
24 Pomelo Drive, Desert Hot Springs, CA 92240.

25 g. DEFENDANT REMUS EPPIE, an individual, residing at 4860
26 Genevieve Ave, Los Angeles, CA 90041.

1 h. DEFENDANT SILVIA ELIZABETH SALMERON, an
2 individual, residing at 36850 57th Street E, Palmdale, CA 93552.

3 i. DEFENDANT VERONICA CONKLIN, an individual, residing at
4 5641 Tiverton Circle, Westminster, CA 92683.

5 j. DEFENDANTS CLAUDIA TOVAR and SERGIO TOVAR, an
6 individual, residing at 1280 Kilson Dr, Santa Ana, CA 92707

7 k. DEFENDANT EMILIO VILLARREAL, an individual, residing at
8 3576 Bell Avenue, Apartment D, Bell, CA 90201.

9 l. DEFENDANT MORADALI AMIRINEGAR, an individual,
10 residing at 25717 Simpson Place, Calabasas, CA 91302.

11 m. DEFENDANT MARTHA ROCHA, an individual, residing at
12 44255 Whittier Avenue, Hemet, CA 92544.

13 n. DEFENDANT PATRICK OGDEN, an individual, residing at
14 9249 Marigold Place, Riverside, CA 92503.

15 o. DEFENDANT MINA SHAHAB, an individual, residing at 1500
16 E. Wilson Avenue, Apt 102, Glendale, CA 91206.

17 p. DEFENDANT MYRA POPP FIGUEROA, an individual, residing
18 at 7546 Stewart & Gray Road Apartment 120, Downey, CA 90241.

19 q. DEFENDANT VICTOR BONILLA, an individual, residing at 804
20 Meadowbrook Lane, Chula Vista, CA 91913

21 r. DEFENDANT LETICIA VALENZUELA, an individual, residing
22 at 13361 Coral Reef Road, Tustin, CA 92780.

23 s. DEFENDANT ANTONIA PEDRAZA, an individual, residing at
24 1107 Cornelia Street, Pomona, CA 91768.

25 t. DEFENDANT BONNIE RHEA SCOTT, an individual, residing at
26 7120 Indiana Avenue #G-103, Riverside, CA 92504.
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1 w. DEFENDANT ALBERTO PASILLAS, an individual, residing at
2 13629 Wingo Street, Arleta, CA 91331.

3 v. DEFENDANT JORGE VELASCO, an individual, residing at
4 3726 Princeton Street, Los Angeles, CA 90023.

5 x. DEFENDANT JENNIE ARISMENDEZ, an individual, residing at
6 4887 Constitution Street, Chino, CA 91710.

7 y. DEFENDANT PAUL RADWICH, an individual, residing at
8 12032 Overland Court, Fontana, CA 92337.

9 z. DEFENDANT MARY PEARSON, an individual, residing at 3024
10 Piedmont Drive, Highland, CA 92346.

11 aa. DEFENDANT RONALD CALVERO, an individual, residing at
12 655 S Flower Street, Los Angeles, CA 90017.

13 bb. DEFENDANTS JOSE EDUARDO PAVON and JENNIFER
14 ANNE VON BIMA, individuals, residing at 1061 Dawes Street, Lake Elsinore,
15 CA 92530.

16 cc. DEFENDANT FRED ORTIZ, an individual, residing at 11463
17 Leatherleaf Road, Fontana, CA 92337.

18 dd. DEFENDANT JORGE MORA, an individual, residing at 16440
19 Zocalo Place, Apartment 208, Moreno Valley, CA 92551.

20 ee. DEFENDANT SONIA NAVARRO, an individual, residing at
21 1826 Garvey Avenue, Alhambra, CA 91803.

22 ff. DEFENDANT MONIQUE HEREDIA, an individual, residing at
23 7201 Archibald Avenue, PMB 219, Rancho Cucamonga, CA 91701.

24 gg. DEFENDANT OTILA MURRIETTA, an individual, residing at
25 9041 Danby Ave., Santa Fe Springs, CA 90670.

26 hh. DEFENDANT GELENIE QUIOCHO AMIGABLE, an individual,
27 residing at 12954 Raintree Place, Chino, CA 91710.
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1 ii. DEFENDANT AMANDA ESPINELLO, an individual, residing at
2 7751 ARROYO VISTA AVE, Rancho Cucamonga, CA 91730.

3 jj. Defendant JAMES TAYLOR, an individual, residing at 15491
4 Pasadena Avenue, Apartment 93, Pasadena, Tustin, CA 92780.

5 ll. DEFEDANTS BERTHA CORTES AND MIGUEL CORTES
6 FERRAL, individuals, residing at 16371 Bamboo Street, La Puente, CA 91744.

7 mm. DEFENDANT JORGE SIGUENZA, an individual, residing at
8 18810 Aphrondite Lane, Canyon Country, CA 91351.

9 nn. DEFENDANT BLANCA RODAS, an individual, residing at
10 13547 Ashland Lane, Fontana, CA 92336.

11 oo. DEFENDANT SEAN WOLFSWINKEL, an individual, residing at
12 910A W 14th Ave., Blythe, CA 92225-2736.

13 pp. DEFENDANT ALFREDO JIMENEZ, an individual, residing at
14 21106 Parthenia Street, Canoga Park, CA 91304.

15 qq. DEFENDANT ELOISA PINEDA, an individual, residing at 531
16 Garvey, Suite B, Santa Ana, CA 92701.

17 rr. DEFENDANT LEVIS RODRIGUEZ, an individual, residing at
18 3322 W 108th Street, Inglewood, CA.

19 ss. DEFENDANT MONICA ANGUIANO, an individual, residing at
20 37742 Janus Drive, Palmdale, CA 93550.

21 tt. DEFENDANT SALOMON SOLIS, an individual, residing at 458
22 S. Ditman Avenue, Los Angeles, CA 90063.

23 uu. DEFENDANT MONIQUE HUEREQUE, an individual, residing
24 at 11194 Caribou Avenue, Apple Valley, CA 92308.

25 vv. DEFENDANT LOURDES VELAZQUES, an individual, residing
26 at 4216 Menlo Avenue, Los Angeles, CA 90037.

27 PRELIMINARY ALLEGATIONS

1 4. At all times relevant herein, Plaintiff is the owner of the mortgage
2 notes for the Defendants.

3 5. Plaintiff is informed and believes, and thereon alleges that
4 Defendants are now, and were at all times mentioned in this Complaint, individuals
5 residing in the State of California. At all times relevant to this suit, Defendants
6 owned real property within the State of California.

7 6. Plaintiff is informed and believes, and thereon alleges, Defendants
8 in each of their loan transactions actively devised and executed a scheme to
9 prepare, submit and close fraudulent interstate real estate financing transactions
10 with financial institutions among the intended victims of their criminal acts in
11 violation of 18 U.S.C. §§ 1343-44.

12 7. Defendants committed the acts, caused or directed others to
13 commit the acts and/or omissions, or instructed, authorized, permitted, encouraged,
14 facilitated, assisted and/or ratified the acts and/or omissions of their agents.
15 Defendants knew or realized their agents were engaging in or planned to engage in
16 violations of civil and criminal law in this Complaint.

17 STATEMENT OF FACTS

18 8. As detailed below in this Complaint, each Defendant sought to
19 purchase real property in the State of California.

20 9. In an effort to obtain funds to purchase their properties,
21 Defendants applied for and obtained loans and completed, or caused to have
22 completed on their behalf, a Uniform Residential Loan Application, otherwise
23 known as a 1003 Form, which the Defendants executed and signed.

24 10. On each Uniform Residential Loan Application, each Defendant
25 certified the accuracy of the information contained therein and consented to the
26 verification and re-verification of the information contained therein.
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1 11. Among the information provided and certified by Defendants in
2 their Uniform Residential Loan Application, the Plaintiffs were required to certify
3 information regarding their current employer, statements of their gross monthly
4 income, and to certify that they intended to use the loan proceeds to purchase real
5 property which Defendants intended to use as their primary residence.

6 12. In furtherance of their effort, because Defendants knew that their
7 then-current income was insufficient to support the approval of the loan and/or in
8 an effort to secure the more favorable primary-residence financing rate, Plaintiff is
9 informed, believes, and thereon alleges that the Defendants:

10 a) Provided, prepared, caused to be prepared, false loan
11 applications, which misstated their employment, income and/or intended use of the
12 property as a primary residence; and

13 b) Certified false loan applications, which misstated their
14 employment, income and/or intended use of the property as a primary residence;
15 and

16 c) Caused their agents to submit to lenders false loan
17 applications and other loan related documents.

18 13. Plaintiff is informed, believes, and thereon alleges that Defendants
19 directed, instructed, and caused to have transmitted their false loan application and
20 supporting documentation to lenders even though Defendants knew the
21 information in the loan application and supporting documentation were false in
22 material respects.

23 14. Lenders did not know, and had no reason to know, that the
24 information and documentation provided by Defendants in and in conjunction with
25 their loan applications was false, and in reliance on the information and
26 documentation provided by Defendants to lenders therein approved the loan.
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1 15. Defendants executed promissory notes in favor of their initial
2 lender, their successors, transferees, and assigns (collectively hereinafter
3 "LENDER").

4 16. The proceeds of the loans, as referenced in the promissory notes,
5 were to be used by Defendants in the purchase or refinance of the properties
6 described therein. In exchange, Defendants agreed and promised to pay Lender
7 according to the mutually agreed upon terms and conditions more particularly
8 described in the promissory notes.

9 17. Lenders fully performed, and Defendants acquired title to the
10 properties.

11 18. The promissory notes were duly assigned by the original lender
12 and/or its assignees to Plaintiffs, who is currently the Holder of the promissory
13 notes.

14 19. Defendants have defaulted on their obligations to re-verify the
15 information contained in their Uniform Residential Loan Application. Despite
16 Plaintiff's attempts to secure information from Defendants to re-verify the
17 information contained in their loan applications, Defendants have failed and/or
18 refused to comply with Plaintiff's requests.

19 20. On or about January 17, 2007, Defendant JAMES HAGUE
20 obtained financing with Loan Number 11818808 from GE Money Bank, FSB,
21 totaling a principal balance of \$175,000.00 to purchase real property located at
22 14822 Hartsook Street, Sherman Oaks, CA 91403. Plaintiff is informed, believes,
23 and thereon alleges that Mr. Hague fraudulently misstated his monthly income as
24 \$18,500.00 a month as owner of Crystal Digital Images on his Uniform Residential
25 Loan Application and concealed his true income. Plaintiff is the current holder of
26 the mortgage note. After the loan transaction, Mr. Hague defaulted on his payment
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1 obligations and his obligation to re-verify the information contained on his
2 Uniform Residential Loan Application.

3 21. On or about August 31, 2006, Defendant CHARLENE CHAO
4 obtained financing with Loan Number 10037599 from Family Lending Services,
5 Inc. totaling a principal balance of \$125,000.00 to purchase real property located at
6 14373 Wolfhound Street, Corona, CA 92880. Plaintiff is informed, believes, and
7 thereon alleges that Ms. Chao fraudulently misstated her monthly income as
8 \$16,500.00 a month as a marketing manager at Innovative Adverting Group on her
9 Uniform Residential Loan Application and concealed her true income. Plaintiff is
10 the current holder of the mortgage note. After the loan transaction, Ms. Chao
11 defaulted on her payment obligations and refused the Plaintiff's request to fulfill
12 her obligation to re-verify the information contained on her Uniform Residential
13 Loan Application.

14 22. On or about March 20, 2007, Defendants JEFFERY TOMAZIN
15 and PRISCILLA TOMAZIN obtained financing with Loan Number 11849235
16 from GE Money Bank, FSB, totaling a principal balance of \$110,000.00 to
17 purchase real property located at 29409 Sun Harbor, Lake Elsinore, CA 92530.
18 Plaintiff is informed, believes, and thereon alleges that Mr. and Ms. Tomazin
19 fraudulently misstated their monthly income as \$31,000.00 a month on their
20 Uniform Residential Loan Application and concealed their true income. Plaintiff
21 is the current holder of the mortgage note. After the loan transaction, Mr. and Ms.
22 Tomazin defaulted on their payment obligations and refused the Plaintiff's request
23 to fulfill their obligation to re-verify the information contained on their Uniform
24 Residential Loan Application.

25 23. On or about January 8, 2007, Defendant MARIA SOILA
26 CARBAJAL obtained financing with Loan Number 0107245516-9505 from
27 Argent Mortgage Company, LLC totaling a principal balance of \$112,800.00 to
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1 purchase real property located at 1232 West 2nd Street, Santa Ana, CA 92703.
2 Plaintiff is informed, believes, and thereon alleges that Ms. Carbajal fraudulently
3 misstated her monthly income as \$13,650.00 a month as a contract technician on
4 her Uniform Residential Loan Application and concealed her true income.
5 Plaintiff is the current holder of the mortgage note. After the loan transaction, Ms.
6 Carbajal defaulted on her payment obligations and refused the Plaintiff's request to
7 fulfill her obligation to re-verify the information contained on her Uniform
8 Residential Loan Application.

9 24. On or about January 30, 2007, Defendant EPHRAIM KIAMA
10 obtained financing with Loan Number 0107924631-9505 from Argent Mortgage
11 Company, LLC totaling a principal balance of \$92,000.00 to purchase real
12 property located at 23629 Tonada Lane, Moreno Valley, CA 92557. Plaintiff is
13 informed, believes, and thereon alleges that Defendant Ephraim Kiama
14 fraudulently misstated his monthly income as \$10,147.92 a month on his Uniform
15 Residential Loan Application and concealed his true income. Plaintiff is the
16 current holder of the mortgage note. After the loan transaction, Defendant
17 Ephraim Kiama defaulted on his payment obligations and refused the Plaintiff's
18 request to fulfill his obligation to re-verify the information contained on his
19 Uniform Residential Loan Application.

20 25. On or about November 1, 2006, Defendant EVIE LIWE obtained
21 financing with Loan Number 11747289 from WMC Mortgage Corporation totaling
22 a principal balance of \$77,526.00 to purchase real property located at 11792
23 Pomelo Drive, Desert Hot Springs, CA 92240. Plaintiff is informed, believes, and
24 thereon alleges that Ms. Liwe fraudulently misstated her monthly income as
25 \$6,900.00 a month on her Uniform Residential Loan Application and concealed
26 her true income. Plaintiff is the current holder of the mortgage note. After the
27 loan transaction, Ms. Liwe defaulted on her payment obligations and refused the
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1 Plaintiff's request to fulfill her obligation to re-verify the information contained on
2 her Uniform Residential Loan Application.

3 26. On or about March 15, 2006, Defendant JAMES TAYLOR
4 obtained financing with Loan Number 900900060228874 from Freedom Home
5 Mortgage Corporation totaling a principal balance of \$92,000.00 to purchase real
6 property located at 601 Devonwood Parkway, Hercules, CA 94547. Plaintiff is
7 informed, believes, and thereon alleges that Mr. Taylor fraudulently misstated his
8 monthly income as \$9,786.00 a month on his Uniform Residential Loan
9 Application and concealed their true income. Plaintiff is the current holder of the
10 mortgage note. After the loan transaction, Mr. Taylor defaulted on his payment
11 obligations and refused the Plaintiff's request to fulfill his obligation to re-verify
12 the information contained on his Uniform Residential Loan Application.

13 27. On or about October 25, 2006, Defendant REMUS EPPIE
14 obtained financing with Loan Number 11728411 from WMC Mortgage
15 Corporation totaling a principal balance of \$99,000.00 to purchase real property
16 located at 6024 Pine Crest Drive, Los Angeles, CA 90042. Plaintiff is informed,
17 believes, and thereon alleges that Mr. Eppie fraudulently misstated his monthly
18 income as \$10,000.00 a month on his Uniform Residential Loan Application and
19 concealed his true income. Plaintiff is the current holder of the mortgage note.
20 After the loan transaction, Mr. Eppie defaulted on his payment obligations and
21 refused the Plaintiff's request to fulfill his obligation to re-verify the information
22 contained on his Uniform Residential Loan Application.

23 28. On or about February 1, 2006, Defendant PATRICK OGDEN
24 obtained financing with Loan Number 900900060126901 from Freedom Home
25 Mortgage Corporation totaling a principal balance of \$79,800.00 to purchase real
26 property located at 210 Tahoe Street, Perris, CA 92571. Plaintiff is informed,
27 believes, and thereon alleges that Mr. Ogden fraudulently misstated his monthly
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1 income as \$7400.00 a month on his Uniform Residential Loan Application and
2 concealed his true income. Plaintiff is the current holder of the mortgage note.
3 After the loan transaction, Mr. Ogden defaulted on his payment obligations and
4 refused the Plaintiff's request to fulfill his obligation to re-verify the information
5 contained on his Uniform Residential Loan Application.

6 29. On or about November 27, 2006, Defendant SILVIA
7 ELIZABETH SALMERON obtained financing with Loan Number 11774609 from
8 WMC Mortgage Corporation totaling a principal balance of \$99,000.00 to
9 purchase real property located at 11129 East Avenue V-8, Little Rock, CA 93543.
10 Plaintiff is informed, believes, and thereon alleges that Ms. Salmeron fraudulently
11 misstated her monthly income as \$10,900.00 a month on her Uniform Residential
12 Loan Application and concealed her true income. Plaintiff is the current holder of
13 the mortgage note. After the loan transaction, Ms. Salmeron defaulted on her
14 payment obligations and refused the Plaintiff's request to fulfill her contractual
15 obligation to re-verify the information contained on her Uniform Residential Loan
16 Application.

17 30. On or about February 2, 2007, Defendant VERONICA CONKLIN
18 obtained financing with Loan Number 9125170 from Home Loan Center, Inc.,
19 d/b/a Lending Tree Loans, totaling a principal balance of \$150,000.00 to refinance
20 real property located at 52 Via Esperanza, Rancho Santa Margarita, CA 92688.
21 Plaintiff is informed, believes, and thereon alleges that Ms. Conklin fraudulently
22 misstated her monthly income as \$9,556.00 a month on her Uniform Residential
23 Loan Application and concealed her true income. Plaintiff is the current holder of
24 the mortgage note. After the loan transaction, Ms. Conklin defaulted on her
25 payment obligations and refused the Plaintiff's request to fulfill her contractual
26 obligation to re-verify the information contained on her Uniform Residential Loan
27 Application.
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1 31. On or about January 25, 2007, Defendants CLAUDIA TOVAR
2 and SERGIO TOVAR obtained financing with Loan Number 0701026935 from
3 Home Funds Direct totaling a principal balance of \$121,000.00 secured on real
4 property located at 1280 Kilson Drive, Santa Ana, CA 92707. Plaintiff is
5 informed, believes, and thereon alleges that Mr. and Ms. Tovar fraudulently
6 misstated their monthly income as \$10,846.00 a month on their Uniform
7 Residential Loan Application and concealed their true income. Plaintiff is the
8 current holder of the mortgage note. After the loan transaction, Mr. and Ms. Tovar
9 defaulted on their payment obligations and refused the Plaintiff's request to fulfill
10 their contractual obligation to re-verify the information contained on their Uniform
11 Residential Loan Application.

12 32. On or about February 22, 2007, Defendant EMILIO
13 VILLARREAL obtained financing with Loan Number 11831987 from GE Money
14 Bank totaling a principal balance of \$102,000.00 to purchase real property located
15 at 1772 & 1774 East 109th Street, Los Angeles, CA 90059. Plaintiff is informed,
16 believes, and thereon alleges that Mr. Villarreal fraudulently misstated his monthly
17 income as \$10,475.00 a month on his Uniform Residential Loan Application and
18 concealed his true income. Plaintiff is the current holder of the mortgage note.
19 After the loan transaction, Mr. Villarreal defaulted on his payment obligations and
20 refused the Plaintiff's request to fulfill his contractual obligation to re-verify the
21 information contained on his Uniform Residential Loan Application.

22 33. On or about February 13, 2007, Defendant MORADALI
23 AMIRINEGAR obtained financing with Loan Number 11837490 from GE Money
24 Bank totaling a principal balance of \$82,500.00 to purchase real property located at
25 16439 Victory Blvd, Van Nuys, CA 91406. Plaintiff is informed, believes, and
26 thereon alleges that Mr. Amirinegar fraudulently misstated his monthly income as
27 \$14,400.00 a month on his Uniform Residential Loan Application and concealed
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1 his true income. Plaintiff is the current holder of the mortgage note. After the loan
2 transaction, Mr. Amirinegar defaulted on his payment obligations and refused the
3 Plaintiff's request to fulfill his contractual obligation to re-verify the information
4 contained on his Uniform Residential Loan Application.

5 34. On or about October 9, 2006, Defendant MARTHA ROCHA
6 obtained financing with Loan Number 0103663316-9509 from Argent Mortgage
7 Company, LLC totaling a principal balance of \$83,900.00 to purchase real
8 property located at 9242 Agave Place, Riverside, CA 92503. Plaintiff is informed,
9 believes, and thereon alleges that Ms. Rocha fraudulently misstated her monthly
10 income as \$8,900.00 a month on her Uniform Residential Loan Application and
11 concealed her true income. Plaintiff is the current holder of the mortgage note.
12 After the loan transaction, Ms. Rocha defaulted on her payment obligations and
13 refused the Plaintiff's request to fulfill her contractual obligation to re-verify the
14 information contained on her Uniform Residential Loan Application.

15 35. On or about February 22, 2007, Defendants BERTHA CORTES
16 and MIGUEL CORTES FERRAL obtained financing with Loan Number
17 1701128454 from Opteum Financial Services, LLC totaling a principal balance of
18 \$102,000.00 to purchase real property located at 16371 Bamboo Street, La Puente,
19 CA 91744. Plaintiff is informed, believes, and thereon alleges that Mr. and Ms.
20 Cortes fraudulently misstated their monthly income as \$9160.00 a month on their
21 Uniform Residential Loan Application and concealed their true income. Plaintiff
22 is the current holder of the mortgage note. After the loan transaction, Mr. and Ms.
23 Cortes defaulted on their payment obligations and refused the Plaintiff's request to
24 fulfill their contractual obligation to re-verify the information contained on their
25 Uniform Residential Loan Application.

26 36. On or about January 11, 2007, Defendant MINA SHAHAB
27 obtained financing with Loan Number 11814548 from GE Money Bank totaling a
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1 principal balance of \$153,000.00 to purchase real property located at 10640
2 Wilkins Avenue 101, Los Angeles, CA 90024. Plaintiff is informed, believes, and
3 thereon alleges that Ms. Shahab fraudulently misstated her monthly income as over
4 \$35,000.00 a month on her Uniform Residential Loan Application and concealed
5 her true income. Plaintiff is the current holder of the mortgage note. After the
6 loan transaction, Ms. Shahab defaulted on her payment obligations and refused the
7 Plaintiff's request to fulfill her contractual obligation to re-verify the information
8 contained on her Uniform Residential Loan Application.

9 37. On or about January 17, 2007, Defendant MYRA POPP
10 FIGUEROA obtained financing with Loan Number 11821440 from GE Money
11 Bank totaling a principal balance of \$104,000.00 to purchase real property located
12 at 1130 Farmstead Avenue, Hacienda Heights, CA 91745. Plaintiff is informed,
13 believes, and thereon alleges that Ms. Figueroa fraudulently misstated her monthly
14 income as \$11,904.00 a month on her Uniform Residential Loan Application and
15 concealed her true income. Plaintiff is the current holder of the mortgage note.
16 After the loan transaction, Ms. Figueroa defaulted on her payment obligations and
17 refused the Plaintiff's request to fulfill her contractual obligation to re-verify the
18 information contained on her Uniform Residential Loan Application.

19 38. On or about December 11, 2006, Defendant VICTOR BONILLA
20 obtained financing with Loan Number 0105937312-9506 from Argent Mortgage
21 Company, LLC totaling a principal balance of \$86,000.00 to purchase real
22 property located at 25119 Parkcrest Drive, Murrieta, CA 92562. Plaintiff is
23 informed, believes, and thereon alleges that Mr. Bonilla fraudulently misstated his
24 monthly income as \$10,800.00 a month on his Uniform Residential Loan
25 Application and concealed his true income. Plaintiff is the current holder of the
26 mortgage note. After the loan transaction, Mr. Bonilla defaulted on his payment
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obligations and refused the Plaintiff's request to fulfill his contractual obligation to re-verify the information contained on his Uniform Residential Loan Application.

39. On or about January 4, 2007, Defendant LETICIA VALENZUELA obtained financing with Loan Number 0106708514-9502 from Argent Mortgage Company, LLC totaling a principal balance of \$130,000.00 to refinance real property located at 1006 South Flower Street, Santa Ana, CA 92704. Plaintiff is informed, believes, and thereon alleges that Ms. Valenzuela fraudulently misstated her monthly income as \$15,000.00 a month on her Uniform Residential Loan Application and concealed her true income. Plaintiff is the current holder of the mortgage note. After the loan transaction, Ms. Valenzuela defaulted on her payment obligations and refused the Plaintiff's request to fulfill her contractual obligation to re-verify the information contained on her Uniform Residential Loan Application.

40. On or about October 20, 2006, Defendant ANTONIA PEDRAZA obtained financing with Loan Number 0104575915-9501 from Argent Mortgage Company, LLC totaling a principal balance of \$90,000.00 to purchase real property located at 17424 Fairview Road, Fontana, CA 92336. Plaintiff is informed, believes, and thereon alleges that Ms. Pedraza fraudulently misstated her monthly income as \$7907.50 a month on her Uniform Residential Loan Application and concealed her true income. Plaintiff is the current holder of the mortgage note. After the loan transaction, Ms. Pedraza defaulted on her payment obligations and refused the Plaintiff's request to fulfill her contractual obligation to re-verify the information contained on her Uniform Residential Loan Application.

41. On or about December 8, 2006, Defendant BONNIE RHEA SCOTT obtained financing with Loan Number 0104973599-9505 from Argent Mortgage Company, LLC totaling a principal balance of \$156,590.00 to purchase real property located at 16130 Skyridge Drive, Riverside, CA 92503. Plaintiff is

1 informed, believes, and thereon alleges that Ms. Scott fraudulently misstated her
2 monthly income as \$23,568.00 a month on her Uniform Residential Loan
3 Application and concealed her true income. Plaintiff is the current holder of the
4 mortgage note. After the loan transaction, Ms. Scott defaulted on her payment
5 obligations and refused the Plaintiff's request to fulfill her contractual obligation to
6 re-verify the information contained on her Uniform Residential Loan Application.

7 42. On or about February 22, 2007, Defendant ALBERTO PASILLAS
8 obtained financing with Loan Number 11842243 from GE Money Bank totaling a
9 principal balance of \$110,600.00 to refinance real property located at 14744
10 Blackhawk Street, Mission Hills, CA 91345. Plaintiff is informed, believes, and
11 thereon alleges that Mr. Pasillas fraudulently misstated his monthly income as
12 \$12,900.00 a month on his Uniform Residential Loan Application and concealed
13 his true income. Plaintiff is the current holder of the mortgage note. After the loan
14 transaction, Mr. Pasillas defaulted on his payment obligations and refused the
15 Plaintiff's request to fulfill his contractual obligation to re-verify the information
16 contained on his Uniform Residential Loan Application.

17 43. On or about September 26, 2006, Defendant JORGE VELASCO
18 obtained financing with Loan Number 0102958790-9501 from Argent Mortgage
19 Company, LLC totaling a principal balance of \$90,000.00 to purchase real
20 property located at 5930 Hereford Drive, Los Angeles, CA 90022. Plaintiff is
21 informed, believes, and thereon alleges that Mr. Velasco fraudulently misstated his
22 monthly income as \$14,965.67 a month on his Uniform Residential Loan
23 Application and concealed his true income. Plaintiff is the current holder of the
24 mortgage note. After the loan transaction, Mr. Velasco defaulted on his payment
25 obligations and refused the Plaintiff's request to fulfill his contractual obligation to
26 re-verify the information contained on his Uniform Residential Loan Application.

1 44. On or about February 16, 2007, Defendant JENNIE
2 ARISMENDEZ obtained financing with Loan Number 0108263914-9506 from
3 Argent Mortgage Company, LLC totaling a principal balance of \$102,000.00 to
4 purchase real property located at 13711 Flagstaff Street, La Puente, CA 91746.
5 Plaintiff is informed, believes, and thereon alleges that Ms. Arismendez
6 fraudulently misstated her monthly income as \$9264.00 a month on her Uniform
7 Residential Loan Application and concealed her true income. Plaintiff is the
8 current holder of the mortgage note. After the loan transaction, Ms. Arismendez
9 defaulted on her payment obligations and refused the Plaintiff's request to fulfill
10 her contractual obligation to re-verify the information contained on her Uniform
11 Residential Loan Application.

12 45. On or about February 2, 2007, Defendant PAUL RADWICH
13 obtained financing with Loan Number 07010662 from Liberty American
14 Mortgage, Corp., totaling a principal balance of \$108,000.00 to purchase real
15 property located at 112 Daylily Drive, Perris CA 92571. Plaintiff is informed,
16 believes, and thereon alleges that Mr. Radwich fraudulently misstated his monthly
17 income as \$8,818.00 a month on his Uniform Residential Loan Application and
18 concealed his true income. Plaintiff is the current holder of the mortgage note.
19 After the loan transaction, Mr. Radwich defaulted on his payment obligations and
20 refused the Plaintiff's request to fulfill his contractual obligation to re-verify the
21 information contained on his Uniform Residential Loan Application.

22 46. On or about September 28, 2006, Defendant MARY PEARSON
23 obtained financing with Loan Number 11704763 from WMC Mortgage
24 Corporation totaling a principal balance of \$122,000.00 to purchase real property
25 located at 3024 East Piedmont Drive, Highland, CA 92346. Plaintiff is informed,
26 believes, and thereon alleges that Ms. Pearson fraudulently misstated her monthly
27 income as over \$15,000.00 a month on her Uniform Residential Loan Application
28

1 and concealed her true income. Plaintiff is the current holder of the mortgage note.
2 After the loan transaction, Ms. Pearson defaulted on her payment obligations and
3 refused the Plaintiff's request to fulfill her contractual obligation to re-verify the
4 information contained on her Uniform Residential Loan Application.

5 47. On or about September 29, 2006, Defendant RONALD
6 CALVERO obtained financing with Loan Number 9115088 from Home Loan
7 Center, Inc. d/b/a Lending Tree Loans, totaling a principal balance of \$120,000.00
8 to refinance real property located at 2030 Dorothy Street, West Covina, CA 91792.
9 Plaintiff is informed, believes, and thereon alleges that Mr. Calvero fraudulently
10 misstated his monthly income as \$11,583.00 a month on his Uniform Residential
11 Loan Application and concealed his true income. Plaintiff is the current holder of
12 the mortgage note. After the loan transaction, Mr. Calvero defaulted on his
13 payment obligations and refused the Plaintiff's request to fulfill his contractual
14 obligation to re-verify the information contained on his Uniform Residential Loan
15 Application.

16 48. On or about November 6, 2006, Defendants JOSE EDUARDO
17 PAVON and JENNIFER ANNE VON BIMA obtained financing with Loan
18 Number 10006092705 from Metropolian Bancorp totaling a principal balance of
19 \$119,000.00 for a purchase money loan secured on real property located at 2257
20 Riverdale Avenue, Los Angeles, CA 90031. Plaintiff is informed, believes, and
21 thereon alleges that Mr. Pavon and Ms. Von Bima fraudulently misstated their
22 monthly income as \$15,400.00 a month on their Uniform Residential Loan
23 Application and concealed their true income. Plaintiff is the current holder of the
24 mortgage note. After the loan transaction, Mr. Pavon and Ms. Von Bima defaulted
25 on their payment obligations and refused the Plaintiff's request to fulfill their
26 contractual obligation to re-verify the information contained on their Uniform
27 Residential Loan Application.
28

1 49. On or about December 21, 2005, Defendant FRED ORTIZ
2 obtained financing with Loan Number 0002011120 from Hic-star Corporation (aka
3 AMPRO Mortgage Corporation) d/b/a Westworks Mortgage, totaling a principal
4 balance of \$95,000.00 to purchase real property located at 161, 171 West 17th
5 Street, San Bernardino, CA 92405. Plaintiff is informed, believes, and thereon
6 alleges that Mr. Ortiz fraudulently misstated his monthly income as \$8,600.00 a
7 month on his Uniform Residential Loan Application and concealed his true
8 income. Plaintiff is the current holder of the mortgage note. After the loan
9 transaction, Mr. Ortiz defaulted on his payment obligations and refused the
10 Plaintiff's request to fulfill his contractual obligation to re-verify the information
11 contained on his Uniform Residential Loan Application.

12 50. On or about November 16, 2006, Defendant JORGE MORA
13 obtained financing with Loan Number 0105236913-9506 from Argent Mortgage
14 Company, LLC totaling a principal balance of \$77,800.00 to purchase real
15 property located at 26652 Hull Street, Romoland, CA 92585. Plaintiff is informed,
16 believes, and thereon alleges that Mr. Mora fraudulently misstated his monthly
17 income as \$8371.74 a month on his Uniform Residential Loan Application and
18 concealed his true income. Plaintiff is the current holder of the mortgage note.
19 After the loan transaction, Mr. Mora defaulted on his payment obligations and
20 refused the Plaintiff's request to fulfill his contractual obligation to re-verify the
21 information contained on his Uniform Residential Loan Application.

22 51. On or about February 2, 2007, Defendant SONIA NAVARRO
23 obtained financing with Loan Number 0107474710-9505 from Argent Mortgage
24 Company, LLC totaling a principal balance of \$99,000.00 to purchase real
25 property located at 5737 Birchwood Drive, Riverside, CA 92509. Plaintiff is
26 informed, believes, and thereon alleges that Ms. Navarro fraudulently misstated her
27 monthly income as \$8,800.00 a month on her Uniform Residential Loan
28

1 Application and concealed her true income. Plaintiff is the current holder of the
2 mortgage note. After the loan transaction, Navarro defaulted on her payment
3 obligations and refused the Plaintiff's request to fulfill her contractual obligation to
4 re-verify the information contained on her Uniform Residential Loan Application.

5 52. On or about January 19, 2007, Defendant MONIQUE HEREDIA
6 obtained financing with Loan Number 0107447195-9501 from Argent Mortgage
7 Company, LLC totaling a principal balance of \$106,000.00 to purchase real
8 property located at 479 Margaret Avenue, Los Angeles, CA 90022. Plaintiff is
9 informed, believes, and thereon alleges that Ms. Heredia fraudulently misstated her
10 monthly income as \$9,752.53 a month on her Uniform Residential Loan
11 Application and concealed her true income. Plaintiff is the current holder of the
12 mortgage note. After the loan transaction, Ms. Heredia defaulted on her payment
13 obligations and refused the Plaintiff's request to fulfill her contractual obligation to
14 re-verify the information contained on her Uniform Residential Loan Application.

15 53. On or about October 18, 2006, Defendant OTILA MURRIETTA
16 obtained financing with Loan Number 11724781 from WMC Mortgage
17 Corporation totaling a principal balance of \$99,000.00 to purchase real property
18 located at 5728 North Traymore Avenue, Azusa, CA 91702. Plaintiff is informed,
19 believes, and thereon alleges that Ms. Murrietta fraudulently misstated her monthly
20 income as \$11,750.00 a month on her Uniform Residential Loan Application and
21 concealed her true income. Plaintiff is the current holder of the mortgage note.
22 After the loan transaction, Ms. Murrietta defaulted on her payment obligations and
23 refused the Plaintiff's request to fulfill her contractual obligation to re-verify the
24 information contained on her Uniform Residential Loan Application.

25 54. On or about September 22, 2006, Defendant GELENIE
26 QUIOCHO AMIGABLE obtained financing with Loan Number 0103208476-9509
27 from Argent Mortgage Company, LLC totaling a principal balance of \$111,706.00
28

1 to purchase real property located at 11474 Bartlett Way, Fontana, CA 92337.
2 Plaintiff is informed, believes, and thereon alleges that Ms. Amigable fraudulently
3 misstated her monthly income as \$13,045.92 a month on her Uniform Residential
4 Loan Application and concealed her true income. Plaintiff is the current holder of
5 the mortgage note. After the loan transaction, Ms. Amigable defaulted on her
6 payment obligations and refused the Plaintiff's request to fulfill her contractual
7 obligation to re-verify the information contained on her Uniform Residential Loan
8 Application.

9 55. On or about October 27, 2006, Defendant AMANDA
10 ESPINELLO obtained financing with Loan Number 0104288550-9505 from
11 Argent Mortgage Company, LLC totaling a principal balance of \$88,000.00 to
12 purchase real property located at 7870 Arroyo Vista Avenue, Rancho Cucamonga,
13 CA 91730. Plaintiff is informed, believes, and thereon alleges that Ms. Espinello
14 fraudulently misstated her monthly income as \$9,571.85 a month on her Uniform
15 Residential Loan Application and concealed her true income. Plaintiff is the
16 current holder of the mortgage note. After the loan transaction, Ms. Espinello
17 defaulted on her payment obligations and refused the Plaintiff's request to fulfill
18 her contractual obligation to re-verify the information contained on her Uniform
19 Residential Loan Application.

20 56. On or about October 13, 2006, Defendant JORGE SIGUENZA
21 obtained financing with Loan Number 11723700 from WMC Mortgage
22 Corporation totaling a principal balance of \$50,000.00 to purchase real property
23 located at 2334 Pecos Court, Lancaster, CA 93535. Plaintiff is informed, believes,
24 and thereon alleges that Mr. Siguenza fraudulently misstated his monthly income
25 as \$7078.00 a month on his Uniform Residential Loan Application and concealed
26 his true income. Plaintiff is the current holder of the mortgage note. After the loan
27 transaction, Mr. Siguenza defaulted on his payment obligations and refused the
28

1 Plaintiff's request to fulfill his contractual obligation to re-verify the information
2 contained on his Uniform Residential Loan Application.

3 57. On or about December 18, 2006, Defendant BLANCA RODAS
4 obtained financing with Loan Number 0106347677-9506 from Argent Mortgage
5 Company, LLC totaling a principal balance of \$63,000.00 to purchase real
6 property located at 879 North H Street, San Bernardino, CA 92410. Plaintiff is
7 informed, believes, and thereon alleges that Ms. Rodas fraudulently misstated her
8 monthly income as \$5600.00 a month on her Uniform Residential Loan
9 Application and concealed her true income. Plaintiff is the current holder of the
10 mortgage note. After the loan transaction, Ms. Rodas defaulted on her payment
11 obligations and refused the Plaintiff's request to fulfill her contractual obligation to
12 re-verify the information contained on her Uniform Residential Loan Application.

13 58. On or about October 13, 2005, Defendant SEAN
14 WOLFSWINKEL obtained financing with Loan Number 9742654 from CBSK
15 Financial Group, Inc, d/b/a American Home Loans, totaling a principal balance of
16 \$44,000.00 to refinance real property located at 2470 Loveland Drive, Riverside,
17 CA 92509. Plaintiff is informed, believes, and thereon alleges that Mr.
18 Wolfswinkel fraudulently misstated his monthly income as \$20,000.00 a month on
19 his Uniform Residential Loan Application and concealed his true income. Plaintiff
20 is the current holder of the mortgage note. After the loan transaction, Mr.
21 Wolfswinkel defaulted on his payment obligations and refused the Plaintiff's
22 request to fulfill his contractual obligation to re-verify the information contained
23 on his Uniform Residential Loan Application.

24 59. On or about November 29, 2006, Defendant ALFREDO
25 JIMENEZ obtained financing with Loan Number 11770980 from WMC Mortgage
26 Corporation totaling a principal balance of \$63,600.00 to purchase real property
27 located at 18066 Catalpa Street, Hesperia, CA 92345. Plaintiff is informed,
28

believes, and thereon alleges that Mr. Jimenez fraudulently misstated his monthly income as \$8,500.00 a month on his Uniform Residential Loan Application and concealed his true income. Plaintiff is the current holder of the mortgage note. After the loan transaction, Mr. Jimenez defaulted on his payment obligations and refused the Plaintiff's request to fulfill his contractual obligation to re-verify the information contained on his Uniform Residential Loan Application.

60. On or about December 20, 2006, Defendant ELOISA PINEDA obtained financing with Loan Number 0106294234-9501 from Argent Mortgage Company, LLC totaling a principal balance of \$69,000.00 to purchase real property located at 5918 Rutland Avenue, Riverside, CA 92503. Plaintiff is informed, believes, and thereon alleges that Ms. Pineda fraudulently misstated her monthly income as \$12,434.29 a month on her Uniform Residential Loan Application and concealed her true income. Plaintiff is the current holder of the mortgage note. After the loan transaction, Ms. Pineda defaulted on her payment obligations and refused the Plaintiff's request to fulfill her contractual obligation to re-verify the information contained on her Uniform Residential Loan Application.

61. On or about January 3, 2007, Defendant LEVIS RODRIGUEZ obtained financing with Loan Number 11811059 from GE Money Bank totaling a principal balance of \$97,000.00 to purchase real property located at 3322 West 108th Street, Inglewood, CA 90303. Plaintiff is informed, believes, and thereon alleges that Defendant Levis Rodriguez fraudulently misstated the monthly income as \$10,800.00 a month on the Uniform Residential Loan Application and concealed their true income. Plaintiff is the current holder of the mortgage note. After the loan transaction, Defendant Levis Rodriguez defaulted on their payment obligations and refused the Plaintiff's request to fulfill their contractual obligation to re-verify the information contained on their Uniform Residential Loan Application.

62. On or about November 14, 2006, Defendant MONICA ANGUIANO obtained financing with Loan Number 11718813 from WMC Mortgage Corporation totaling a principal balance of \$68,000.00 to purchase real property located at 37742 Janus Drive, Palmdale, CA 93550. Plaintiff is informed, believes, and thereon alleges that Ms. Anguiano fraudulently misstated her monthly income as \$7498.00 a month on her Uniform Residential Loan Application and concealed her true income. Plaintiff is the current holder of the mortgage note. After the loan transaction, Ms. Anguiano defaulted on her payment obligations and refused the Plaintiff's request to fulfill her contractual obligation to re-verify the information contained on her Uniform Residential Loan Application.

63. On or about December 14, 2006, Defendant SALOMON SOLIS obtained financing with Loan Number 42-0060 from Inter Mountain Mortgage totaling a principal balance of \$65,250.00 to purchase real property located at 458 Ditman Avenue, Los Angeles, CA 90063. Plaintiff is informed, believes, and thereon alleges that Mr. Solis fraudulently misstated his monthly income as \$8,500.00 a month on his Uniform Residential Loan Application and concealed his true income. Plaintiff is the current holder of the mortgage note. After the loan transaction, Mr. Solis defaulted on his payment obligations and refused the Plaintiff's request to fulfill his contractual obligation to re-verify the information contained on his Uniform Residential Loan Application.

64. On or about February 1, 2007, Defendant MONIQUE HUEREQUE obtained financing with Loan Number 06054004 from Sterns Lending, Inc. totaling a principal balance of \$50,300.00 to purchase real property located at 13500 Second Avenue, Victorville, CA 92395. Plaintiff is informed, believes, and thereon alleges that Ms. Huereque fraudulently misstated her monthly income as \$10,000.00 a month on her Uniform Residential Loan Application and concealed her true income. Plaintiff is the current holder of the

1 mortgage note. After the loan transaction, Ms. Huereque defaulted on her payment
 2 obligations and refused the Plaintiff's request to fulfill her contractual obligation to
 3 re-verify the information contained on her Uniform Residential Loan Application.

4 65. On or about August 29, 2006, Defendant LOURDES
 5 VELAZQUES obtained financing with Loan Number 11676974 from WMC
 6 Mortgage Corporation totaling a principal balance of \$71,400.00 to purchase real
 7 property located at 4216 Menlo Avenue, Los Angeles, CA 90037. Plaintiff is
 8 informed, believes, and thereon alleges that Ms. Velazques fraudulently misstated
 9 her monthly income as \$7825.00 a month on her Uniform Residential Loan
 10 Application and concealed her true income. Plaintiff is the current holder of the
 11 mortgage note. After the loan transaction, Ms. Velazques defaulted on her
 12 payment obligations and refused the Plaintiff's request to fulfill her contractual
 13 obligation to re-verify the information contained on her Uniform Residential Loan
 14 Application.

FIRST CLAIM FOR RELIEF

(Breach of Contract)

18 COMES NOW PLAINTIFF, and for a separate and distinct CLAIM FOR
 19 RELIEF for Breach of Contract against Defendants, allege as follows:

20 66. Plaintiff repeats and repleads paragraphs 1 through 66 and
 21 incorporates the allegations by reference therein as though set forth below.

22 67. As described hereinabove in Paragraphs 20-66, Defendants entered
 23 loan agreements and executed promissory notes for the purchase of real property.

24 68. As described hereinabove, Defendants materially breached their
 25 agreements by refusing to re-verify the information provided on the Uniform
 26 Residential Loan Application.

1 69. These were material breaches that have caused harm to Plaintiff
2 and Plaintiff's injuries were natural, probable, and foreseeable consequences of
3 Defendants' breaches of contract.

4 70. As to each and every Defendant, Plaintiff seeks specific
5 performance as to the following:

- 6 a) Requiring each Defendant to sign a 4506-T Form for release of
7 tax returns by the IRS for the tax year immediately precedeing
8 the loan transaction for Defendant, the tax year of the loan
9 transaction for each Defendant, and the tax year immediately
10 after the loan transaction for each Defendant as Defendants
11 agreed to provide pursuant to their Uniform Residential Loan
12 Application.
- 13 b) Proof of Primary Residency of the Real Property purchased in
14 each loan transaction by each Defendant, which includes, but
15 not limited to, a cable bill, a personal land-line telephone bill
16 and/or homestead exemption form from the time the Defendant
17 allegedly lived in the house as a primary residence.

18 71. Plaintiff seeks specific performance as to each Defendant as
19 alleged hereinabove in Paragraph 70.

20 ALL FOR WHICH PLAINTIFF SEEKS SPECIFIC PERFORMANCE
21 AND OTHER RELIEF AS PRAYED.

22
23 SECOND CLAIM FOR RELIEF
24 (Intentional Misrepresentation/Fraud)

25 COMES NOW PLAINTIFF and for a separate and distinct CLAIM FOR
26 RELIEF for Intentional Misrepresentation against Defendants, alleges as follows:
27
28

1 72. Plaintiff repeats and repleads paragraphs 1 through 71 and
2 incorporates the allegations by reference as though fully set-forth herein.

3 73. Defendants prepared and submitted a loan application to Lender to
4 secure a loan for the purchase of their real properties.

5 74. As alleged in Paragraphs 20-66, Plaintiff is informed, believes, and
6 thereon alleges that Defendants intentionally misstated their employment
7 information, their income, and/or intended use of the real property to be purchased
8 on their loan applications to their Lender, for the purpose of inducing the Lender to
9 provide the loans for the purchase or refinance of the Defendants' real property.
10

11 75. Plaintiff is informed, believes, and thereon alleges that the loans
12 given to Defendants were based on the fraud in the loan application and the
13 promissory notes executed by the Defendants.

14 76. At the time of the execution of the loan, Defendants failed to
15 disclose to Lender that they did not and would not have been able to earn the
16 amount of income as represented on the loan applications.

17 77. Plaintiff is informed, believes, and thereon alleges that when the
18 Defendants' loan was approved, the original lender had no reason to know of the
19 true facts that Defendants' income was substantially less than the amount falsely
20 stated on their loan application. In addition, when Lender entered into the loan
21 transaction, Defendants made affirmative written representations in the Deed of
22 Trusts that:

23 "Borrower shall be in default if, during the Loan Application process,
24 Borrower or any persons or entities acting at the direction of Borrower or
25 with Borrower's knowledge or consent gave materially false, misleading, or
26

1 inaccurate information or statements to Lender (or failed to provide Lender
2 with material information) in connection with the Loan. Material
3 representations include, but are not limited to, representations concerning the
4 Borrower's occupancy of the Property as Borrower's principal residence."

5 78. As described above, Plaintiff is informed, believes, and thereon
6 alleges that these representations, warranties, and covenants were false.
7 Defendants knew that Lender relied on their false representations, warranties, and
8 covenants in executing the loan. On information and belief, Defendants knew that
9 Lender would not have made the loan without such representations, warranties, and
10 covenants.

11 79. In reasonable reliance upon the false statements of material fact,
12 Lender entered into the Defendants loan transaction and made the loan to and/or
13 for the benefit of Defendants. The loan would not have been approved nor paid
14 had the Lender known the true facts. Had Defendants made all of proper
15 disclosures called for in the loan application to Lender, including the true amount
16 of income, Lenders would not have entered into the loan, nor would it have
17 advanced any funds to Defendants.

18 80. Lender's reliance on statements, concealment, and non-disclosures
19 made by Defendants were reasonable and justified because, among other things, on
20 information and believe, Defendants certified the truth of the statements in the loan
21 application submitted, and Defendants further agreed that "the Lender....may
22 continuously rely on the information contained in the application...."

23 81. Lender reasonably and detrimentally relied upon the false
24 statements, concealments, and non-disclosures of material fact caused by the
25 Defendants' wrongful conduct. Plaintiff, as successor in interest to Lender, has
26 suffered damages to the recently discovered fraud. Plaintiff seeks damages to
27 each Defendant as per Paragraph 96.
28

1 ALL FOR WHICH PLAINTIFF SEEKS DAMAGES AND OTHER
2 RELIEF AS PRAYED.

3 THIRD CLAIM FOR RELIEF

4 (Fraudulent Concealment)

5 COMES NOW PLAINTIFF, and for a separate and distinct CLAIM FOR
6 RELIEF for Fraudulent Concealment against Defendants, allege as follows:

7 82. Plaintiff repeats and repleads paragraphs 1 through 81 and
8 incorporates the allegations by reference therein as though set forth below.

9 83. Defendants concealed or suppressed material facts as alleged
10 above, including the concealment of their accurate income, employment, and their
11 purpose of purchasing the property.

12 84. The information concealed by Defendants were material facts that
13 the Defendant was bound to disclose and concealed by making false statements to
14 the Lender on their loan application.

15 85. Plaintiff is informed, believes, and thereon alleges that Defendants
16 concealed or suppressed these facts with the intent to defraud and induce their
17 original lender to act as alleged above. At the time, the original lender was
18 unaware of the concealed or suppressed facts and would not have taken the action
19 if Lender had known these facts.

20 86. Lender's reliance on statements, concealment, and non-disclosures
21 made by Defendants were reasonable and justified because, among other things, on
22 information and believe, Defendants certified the truth of the statements in the loan
23 application submitted, and Defendants further agreed that "the Lender....may
24 continuously rely on the information contained in the application...."

25 87. The concealment and non-disclosure of material facts by
26 Defendants have caused injury to the Plaintiff.
27
28

1 88. As successor in interest to Lender, Plaintiff has suffered damages
2 as stated in Paragraph 96 of this Complaint as per each Defendant and seeks same
3 damages as per each Defendant for this Fraudulent Concealment cause of action.

4 ALL FOR WHICH PLAINTIFF SEEKS DAMAGES AND OTHER
5 RELIEF AS PRAYED.

6 FOURTH CLAIM FOR RELIEF

7 (Negligent Misrepresentation)

8 COMES NOW PLAINTIFF, and for a separate and distinct CLAIM FOR
9 RELIEF for Negligent Misrepresentation against Defendants, alleges as follows:

10 89. Plaintiff repeats and repleads paragraphs 1 through 88 and
11 incorporates the allegations by reference therein as though set forth below.

12 90. As alleged above, Plaintiff is informed, believes, and thereon
13 alleges that Defendants misstated their income on their Uniform Residential Loan
14 Applications about the material facts relating to their true income, their
15 employment, and/or whether the real property would be used as a primary
16 residence.

17 91. Defendants had no reasonable ground to believe the amount of
18 income, employment information and/or the intended purpose of the real property
19 to be purchased, would be true.

20 92. The false statements made by Defendants were made with the
21 intent to induce the Lender to act on reliance of their representations.

22 93. As alleged above, the original lender had justifiable reliance upon
23 the statements of Defendants, especially after the Defendants certified the
24 truthfulness of their statements on the loan application.

25 94. As successor in interest to Lender, Defendants' conduct has
26 harmed the Plaintiff.
27
28

1 95. Because of the harm caused by Defendants, Plaintiff seeks
2 damages for this claim as detailed in Paragraph 96.

3
4 ALL FOR WHICH PLAINTIFF SEEKS DAMAGES AND OTHER
5 RELIEF AS PRAYED.

6 DAMAGES

7 96. In total, Plaintiff seeks damages from each Defendant as detailed
8 below:

- 9
10 a) Defendant James Hague in the amount of \$175,000.00 in
11 actual damages, \$350,000.00 in punitive damages for a
12 total damages amount of \$525,000.00.
- 13 b) Defendant Charlene Chao in the amount of \$125,000.00 in
14 actual damages, \$250,000.00 in punitive damages for a
15 total damages amount of \$375,000.00.
- 16 c) Defendants Jeffery Tomazin and Priscilla Tomazin, jointly
17 and separately, for \$110,000.00 in actual damages and
18 \$220,000.00 in punitive damages for a total damages
19 amount of \$330,000.00.
- 20 d) Defendant Maria Carbajal for \$112,800.00 in actual
21 damages and \$225,600.00 in punitive damages for a total
22 damages amount of \$338,400.00.
- 23 e) Defendant Ephraim Kiama for \$92,000.00 in actual
24 damages and \$184,000.00 in punitive damages for a total
25 damages amount of \$276,000.00.
- 26
27
28

- 1 f) Defendant Evie Liwe for \$77,526.00 in actual damages
2 and \$155,052.00 in punitive damages for a total damages
3 amount of \$232,578.00.
- 4 g) Defendant Remus Eppie for \$99,000.00 in actual damages
5 and \$198,000.00 in punitive damages for a total damages
6 amount of \$297,000.00.
- 7 h) Defendant Silvia Salmeron for \$99,000.00 in actual
8 damages and \$198,000.00 in punitive damages for a total
9 damages amount of \$297,000.00.
- 10 i) Defendant Patrick Ogden for \$79,800.00 in actual
11 damages and \$159,600.00 in punitive damages for a total
12 damages award of \$239,400.00.
- 13 j) Defendant Veronica Conklin for \$150,000.00 in actual
14 damages, \$300,000.00 in punitive damages for a total
15 damages amount of \$450,000.00.
- 16 k) Defendants Claudia Tovar and Sergio Tovar, jointly and
17 separately, for \$121,000.00 in actual damages and
18 \$242,000.00 in punitive damages for a total damages
19 amount of \$363,000.00.
- 20 l) Defendant Emilio Villarreal for \$102,000.00 in actual
21 damages and \$204,000.00 in punitive damages for a total
22 damages amount of \$306,000.00.
- 23 m) Defendant Moradali Amirinegar for \$82,500.00 in actual
24 damages and \$165,000.00 in punitive damages for a total
25 damages award of \$247,500.00.
- 26
27
28

- 1 n) Defendant Martha Rocha for \$83,900.00 in actual
2 damages and \$167,800.00 in punitive damages for a total
3 damages amount of \$251,700.00.
- 4 o) Defendants Bertha Cortes and Miguel Cortes Ferral for
5 \$102,000.00 in actual damages and \$204,000.00 in
6 punitive damages for a total damages amount of
7 \$306,000.00.
- 8 p) Defendant Mina Shahab for \$153,000.00 in actual
9 damages and \$306,000.00 in punitive damages for a total
10 damages amount of \$459,000.00
- 11 q) Defendant Myra Popp Figueroa for \$104,000.00 in actual
12 damages and \$208,000.00 in punitive damages for a total
13 damages amount of \$312,000.00.
- 14 r) Defendant Victor Bonilla for \$86,000.00 in actual
15 damages and \$172,000.00 in punitive damages for a total
16 damages amount of \$258,000.00.
- 17 s) Defendant for Leticia Valenzuela for \$130,000.00 in
18 actual damages and \$260,000.00 in punitive damages for a
19 total damages amount of \$390,000.00.
- 20 t) Defendant Antonia Pedraza for \$90,000.00 in actual
21 damages and \$180,000.00 in punitive damages for a total
22 damages amount of \$270,000.00.
- 23 u) Defendant Bonnie Rhea Scott for \$156,590.00 in actual
24 damages and \$313,180.00 in punitive damages for a total
25 damages amount of \$469,770.00.
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- 1 v) Defendant Alberto Pasillas for \$110,600.00 in actual
2 damages and \$221,200.00 in punitive damages for a total
3 damages amount of \$331,800.00.
- 4 w) Defendant Jorge Velasco for \$90,000.00 in actual damages
5 and \$180,000.00 in punitive damages for a total damages
6 amount of \$270,000.00.
- 7 x) Defendant Jennie Arismendez for \$102,000.00 in actual
8 damages and \$204,000.00 in punitive damages for a total
9 damages amount of \$306,000.00.
- 10 y) Defendant Paul Radwich for \$108,000.00 in actual
11 damages and \$216,000.00 in punitive damages for a total
12 damages amount of \$324,000.00.
- 13 z) Defendant Mary Pearson for \$122,000.00 in actual
14 damages and \$244,000.00 in punitive damages for a total
15 damages amount of \$366,000.00.
- 16 aa) Defendant Ronald Calvero for \$120,000.00 in actual
17 damages and \$240,000.00 in punitive damages for a total
18 damages amount of \$360,000.00.
- 19 bb) Defendants Jose Pavon and Jennifer Von Bima, jointly and
20 separately, for \$119,000.00 in actual damages and
21 \$238,000.00 in punitive damages for a total damages
22 amount of \$357,000.00.
- 23 cc) Defendant Fred Ortiz for \$95,000.00 in actual damages
24 and \$190,000.00 in punitive damages for a total damages
25 amount of \$285,000.00.
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- 1 dd) Defendant Jorge Mora for \$77,800.00 in actual damages
2 and \$155,600.0 in punitive damages for a total damages
3 award of \$233,400.00.
- 4 ee) Defendant Sonia Navarro for \$99,000.00 in actual
5 damages and \$198,000.00 in punitive damages for a total
6 damages award of \$297,000.00.
- 7 ff) Defendant Monica Heredia for \$106,000.00 in actual
8 damages, \$212,000.00 in punitive damages for a total
9 damages award of \$318,000.00.
- 10 gg) Defendant Otila Murrietta for \$99,000.00 in actual
11 damages and \$198,000.00 in punitive damages for a total
12 damages award of \$297,000.00.
- 13 hh) Defendant Gelenie Amigable for \$111,706.00 in actual
14 damages and \$223,412.00 in punitive damages for a total
15 damages award of \$335,118.00.
- 16 ii) Defendant Amanda Espinello for \$88,000.00 in actual
17 damages and \$176,000.00 in punitive damages for a total
18 damages award of \$264,000.00.
- 19 jj) Defendant James Taylor for \$92,000.00 in actual damages
20 and \$184,000.00 in punitive damages for a total damages
21 award of \$276,000.00.
- 22 kk) Defendant Jorge Siguenza for \$50,000.00 in actual
23 damages and \$100,000.00 in punitive damages for a total
24 damages award of \$150,000.00.
- 25 ll) Defendant BLANCA RODAS for \$63,000.00 in actual
26 damages and \$126,000.00 in punitive damages for a total
27 damages amount of \$189,000.00
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- 1 mm) Defendant Sean Wolfswinkel for \$44,000.00 in actual
2 damages and \$88,000.00 in punitive damages for a total
3 damages award of \$132,000.00.
- 4 nn) DEFENDANT Alfredo Jimenez for \$63,600.00 in actual
5 damages and \$127,200.00 in punitive damages for a total
6 damages award of \$190,000.00.
- 7 oo) Defendant Eloisa Pineda for \$69,000.00 in actual damages
8 and \$138,000.00 in punitive damages for a total damages
9 award of \$207,000.00.
- 10 pp) Defendant Levis Rodriguez for \$97,000.00 in actual
11 damages and \$194,000.00 in punitive damages for a total
12 damages amount of \$291,000.00.
- 13 qq) Defendant Monica Anguiano for \$68,000.00 in actual
14 damages and \$136,000.00 in punitive damages for a total
15 damages award of \$204,000.00.
- 16 rr) Defendant Salomon Solis for \$65,250.00 in actual
17 damages and \$130,500.00 in punitive damages for a total
18 damages award of \$195,750.00.
- 19 ss) Defendant Monique Huereque for \$50,300.00 in actual
20 damages and \$100,600.00 in punitive damages for a total
21 damages award of \$150,900.00.
- 22 tt) Defendant Lourdes Velazques for \$71,400.00 in actual
23 damages and \$142,800.00 in punitive damages for a total
24 damages award of \$214,200.00.

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26 PRAYER FOR RELIEF
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1 97. WHEREFORE, Plaintiff asks that the Defendants be cited to
2 appear and answer and that the Plaintiff be awarded damages, attorney's fees,
3 specific performance, and any and all other relief.
4
5

6 DATED: December 10, 2009

JUSTIN RYAN

7
8 By: /s/


Justin Ryan

9 The Law Office of Justin T. Ryan
10 Attorney for Plaintiff
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UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

I (a) PLAINTIFFS (Check box if you are representing yourself <input type="checkbox"/>) HERITAGE PACIFIC FINANCIAL, LLC D/B/A HERITAGE PACIFIC FINANCIAL		DEFENDANTS JAMES HAGUE, ET. AL. (See attached sheet)																									
(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.) Law Office of Justin T. Ryan Justin T. Ryan, Esq. 2534 State Street, Ste. 404, San Diego, CA 92101 Tel. (619) 822-2533		Attorneys (If Known) Currently Unknown																									
II. BASIS OF JURISDICTION (Place an X in one box only.) <input type="checkbox"/> 1 U.S. Government Plaintiff <input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input type="checkbox"/> 2 U.S. Government Defendant <input checked="" type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)		III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant.) <table style="width:100%; border: none;"> <tr> <td style="width:40%;"></td> <td style="width:10%; text-align: center;">PTF</td> <td style="width:10%; text-align: center;">DEF</td> <td style="width:30%;"></td> <td style="width:10%; text-align: center;">PTF</td> <td style="width:10%; text-align: center;">DEF</td> </tr> <tr> <td>Citizen of This State</td> <td align="center"><input type="checkbox"/> 1</td> <td align="center"><input checked="" type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business in this State</td> <td align="center"><input type="checkbox"/> 4</td> <td align="center"><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td align="center"><input checked="" type="checkbox"/> 2</td> <td align="center"><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td align="center"><input checked="" type="checkbox"/> 5</td> <td align="center"><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td align="center"><input type="checkbox"/> 3</td> <td align="center"><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td align="center"><input type="checkbox"/> 6</td> <td align="center"><input type="checkbox"/> 6</td> </tr> </table>			PTF	DEF		PTF	DEF	Citizen of This State	<input type="checkbox"/> 1	<input checked="" type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input checked="" type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input checked="" type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
	PTF	DEF		PTF	DEF																						
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Citizen of Another State	<input checked="" type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input checked="" type="checkbox"/> 5	<input type="checkbox"/> 5																						
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6																						
IV. ORIGIN (Place an X in one box only.) <input checked="" type="checkbox"/> 1 Original Proceeding <input type="checkbox"/> 2 Removed from State Court <input type="checkbox"/> 3 Remanded from Appellate Court <input type="checkbox"/> 4 Reinstated or Recopened <input type="checkbox"/> 5 Transferred from another district (specify): <input type="checkbox"/> 6 Multi-District Litigation <input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judge																											
V. REQUESTED IN COMPLAINT: JURY DEMAND: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (Check 'Yes' only if demanded in complaint.) CLASS ACTION under F.R.C.P. 23: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No MONEY DEMANDED IN COMPLAINT: \$ see attached list																											
VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)																											
VII. NATURE OF SUIT (Place an X in one box only.) <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:16.6%; vertical-align: top;"> OTHER STATUTES <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Info. Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes </td> <td style="width:16.6%; vertical-align: top;"> CONTRACT <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. 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Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus-Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions </td> <td style="width:16.6%; vertical-align: top;"> TORTS PERSONAL PROPERTY <input checked="" type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability BANKRUPTCY <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 American with Disabilities - Employment <input type="checkbox"/> 446 American with Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights </td> <td style="width:16.6%; vertical-align: top;"> PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition FORFEITURE/PENALTY <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other </td> <td style="width:16.6%; vertical-align: top;"> LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609 </td> </tr> </table>				OTHER STATUTES <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Info. 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FOR OFFICE USE ONLY: Case Number: _____

SACV09-01466 AG (RNBx)

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

VIII(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? ☒ No ☐ Yes
 If yes, list case number(s): _____

VIII(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? ☒ No ☐ Yes
 If yes, list case number(s): _____

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) ☐ A. Arise from the same or closely related transactions, happenings, or events; or
☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or
☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or
☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. VENUE: (When completing the following information, use an additional sheet if necessary.)

- (a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named plaintiff resides.
☐ Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
	State of Texas

- (b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named defendant resides.
☐ Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Please see attached list Los Angeles / Riverside / Orange	

- (c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** claim arose.
Note: In land condemnation cases, use the location of the tract of land involved.

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Please see attached list Los Angeles / Riverside / Orange	

* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties

Note: In land condemnation cases, use the location of the tract of land involved

X. SIGNATURE OF ATTORNEY (OR PRO PER): Justin Rye Date 12/10/2009

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY

This case has been assigned to District Judge Andrew Guilford and the assigned discovery Magistrate Judge is Robert N. Block.

The case number on all documents filed with the Court should read as follows:

SACV09 - 1466 AG (RNBx)

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

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NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:

☐ **Western Division**
312 N. Spring St., Rm. G-8
Los Angeles, CA 90012

☒ **Southern Division**
411 West Fourth St., Rm. 1-053
Santa Ana, CA 92701-4516

☐ **Eastern Division**
3470 Twelfth St., Rm. 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.